

HB4448



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4448

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

210 ILCS 45/3-202.05

Amends the Nursing Home Care Act. Requires a facility to comply with specified minimum staffing ratios of certified nursing assistants to residents.

LRB099 15415 RPS 39694 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Nursing Home Care Act is amended by changing
5 Section 3-202.05 as follows:

6 (210 ILCS 45/3-202.05)

7 Sec. 3-202.05. Staffing ratios effective July 1, 2010 and
8 thereafter.

9 (a) For the purpose of computing staff to resident ratios,
10 direct care staff shall include:

- 11 (1) registered nurses;
- 12 (2) licensed practical nurses;
- 13 (3) certified nursing ~~nurse~~ assistants;
- 14 (4) psychiatric services rehabilitation aides;
- 15 (5) rehabilitation and therapy aides;
- 16 (6) psychiatric services rehabilitation coordinators;
- 17 (7) assistant directors of nursing;
- 18 (8) 50% of the Director of Nurses' time; and
- 19 (9) 30% of the Social Services Directors' time.

20 The Department shall, by rule, allow certain facilities
21 subject to 77 Ill. Admin. Code 300.4000 and following (Subpart
22 S) to utilize specialized clinical staff, as defined in rules,
23 to count towards the staffing ratios.

1 Within 120 days of June 14, 2012 (the effective date of
2 Public Act 97-689) ~~this amendatory Act of the 97th General~~
3 ~~Assembly~~, the Department shall promulgate rules specific to the
4 staffing requirements for facilities federally defined as
5 Institutions for Mental Disease. These rules shall recognize
6 the unique nature of individuals with chronic mental health
7 conditions, shall include minimum requirements for specialized
8 clinical staff, including clinical social workers,
9 psychiatrists, psychologists, and direct care staff set forth
10 in paragraphs (4) through (6) and any other specialized staff
11 which may be utilized and deemed necessary to count toward
12 staffing ratios.

13 Within 120 days of June 14, 2012 (the effective date of
14 Public Act 97-689) ~~this amendatory Act of the 97th General~~
15 ~~Assembly~~, the Department shall promulgate rules specific to the
16 staffing requirements for facilities licensed under the
17 Specialized Mental Health Rehabilitation Act of 2013. These
18 rules shall recognize the unique nature of individuals with
19 chronic mental health conditions, shall include minimum
20 requirements for specialized clinical staff, including
21 clinical social workers, psychiatrists, psychologists, and
22 direct care staff set forth in paragraphs (4) through (6) and
23 any other specialized staff which may be utilized and deemed
24 necessary to count toward staffing ratios.

25 (b) Beginning January 1, 2011, and thereafter, light
26 intermediate care shall be staffed at the same staffing ratio

1 as intermediate care.

2 (c) Facilities shall notify the Department within 60 days
3 after July 29, 2010 (the effective date of Public Act 96-1372)
4 ~~this amendatory Act of the 96th General Assembly~~, in a form and
5 manner prescribed by the Department, of the staffing ratios in
6 effect on July 29, 2010 (the effective date of Public Act
7 96-1372) ~~this amendatory Act of the 96th General Assembly~~ for
8 both intermediate and skilled care and the number of residents
9 receiving each level of care.

10 (d) (1) Effective July 1, 2010, for each resident needing
11 skilled care, a minimum staffing ratio of 2.5 hours of nursing
12 and personal care each day must be provided; for each resident
13 needing intermediate care, 1.7 hours of nursing and personal
14 care each day must be provided.

15 (2) Effective January 1, 2011, the minimum staffing ratios
16 shall be increased to 2.7 hours of nursing and personal care
17 each day for a resident needing skilled care and 1.9 hours of
18 nursing and personal care each day for a resident needing
19 intermediate care.

20 (3) Effective January 1, 2012, the minimum staffing ratios
21 shall be increased to 3.0 hours of nursing and personal care
22 each day for a resident needing skilled care and 2.1 hours of
23 nursing and personal care each day for a resident needing
24 intermediate care.

25 (4) Effective January 1, 2013, the minimum staffing ratios
26 shall be increased to 3.4 hours of nursing and personal care

1 each day for a resident needing skilled care and 2.3 hours of
2 nursing and personal care each day for a resident needing
3 intermediate care.

4 (5) Effective January 1, 2014, the minimum staffing ratios
5 shall be increased to 3.8 hours of nursing and personal care
6 each day for a resident needing skilled care and 2.5 hours of
7 nursing and personal care each day for a resident needing
8 intermediate care.

9 (e) Ninety days after June 14, 2012 (the effective date of
10 Public Act 97-689) ~~this amendatory Act of the 97th General~~
11 ~~Assembly~~, a minimum of 25% of nursing and personal care time
12 shall be provided by licensed nurses, with at least 10% of
13 nursing and personal care time provided by registered nurses.
14 These minimum requirements shall remain in effect until an
15 acuity based registered nurse requirement is promulgated by
16 rule concurrent with the adoption of the Resource Utilization
17 Group classification-based payment methodology, as provided in
18 Section 5-5.2 of the Illinois Public Aid Code. Registered
19 nurses and licensed practical nurses employed by a facility in
20 excess of these requirements may be used to satisfy the
21 remaining 75% of the nursing and personal care time
22 requirements. Notwithstanding this subsection, no staffing
23 requirement in statute in effect on June 14, 2012 (the
24 effective date of Public Act 97-689) ~~this amendatory Act of the~~
25 ~~97th General Assembly~~ shall be reduced on account of this
26 subsection.

1 (f) Effective on and after the effective date of this
2 amendatory Act of the 99th General Assembly, in addition to any
3 other minimum staffing ratios under this Section, a facility
4 shall comply with the following minimum staffing ratios:

5 (1) between the hours of 7 a.m. and 3 p.m., there shall
6 be at least one certified nursing assistant present and on
7 duty at the facility for every 5 residents;

8 (2) between the hours of 3 p.m. and 11 p.m., there
9 shall be at least one certified nursing assistant present
10 and on duty at the facility for every 8 residents; and

11 (3) between the hours of 11 p.m. and 7 a.m., there
12 shall be at least one certified nursing assistant present
13 and on duty at the facility for every 13 residents.

14 (Source: P.A. 97-689, eff. 6-14-12; 98-104, eff. 7-22-13.)